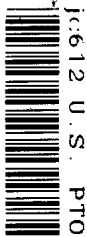


12/21/98



JC612 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Ondrej Such
 Title: ASYNCHRONOUS PROGRAMMING ENVIRONMENT
 Attorney Docket No.: 777.162US1

JCS11 U.S. PTO
 09/218060
 12/21/98

PATENT APPLICATION TRANSMITTAL

BOX PATENT APPLICATION

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- X Utility Patent Application under 37 CFR § 1.53(b) comprising:
 - X Specification (23 pgs, including claims numbered 1 through 19 and a 1 page Abstract).
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 - X Signed Combined Declaration and Power of Attorney (3 pgs).
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ASYNCHRONOUS PROGRAMMING ENVIRONMENT

OTHER APPLICATIONS

The present application incorporates by reference the coassigned and copending applications entitled ARecyclable Locking for Multi-Threaded Computing Environments≡ [docket no. 777.154US1] and AToken-Based Object Description≡ [docket no. 777.155US1].

FIELD

This invention relates generally to programming environments and more particularly to such environments that are asynchronous.

BACKGROUND

Programming environments are the environments in which computer programs are developed and executed. Different types of environments provide for different advantages and disadvantages in the development of bug-free computer programs. As computer programs have become increasingly complex, programming environments have been examined as a factor that may strongly affect the length of time it takes to create computer programs, and the number of bugs that may be within such programs as they are executed in conjunction with other computer programs.

In perhaps the most traditional type of programming environment, computer programs are written in a procedural manner. That is, generally speaking, a first line of code of the program is executed, followed by a second line, etc., until the program is finished. However, this type of programming environment does not usually lend itself well to the development of highly complex computer programs that must run concurrently with other programs. Such development, for example, may be performed by a relatively large team of programmers, such that each programmer must typically be aware of the manner by which the other programmers are developing their part of the computer program for the computer program to run efficiently and bug-free.

This is generally difficult to accomplish in this type of programming environment.

Another programming environment is the message-driven environment, at least partially implemented and popularized by modern operating systems such as current versions of the MICROSOFT WINDOWS operating system. In such environments, different objects interface with other objects via messages, and execution of the procedures are initiated by events. However, these messages are complex structures, such that the context must be unpacked from messages prior to the execution of an action. This fragility may render development of computer programs potentially more difficult and bug-laden than is desired. For

these and other reasons, there is a need for the present invention.

SUMMARY

The above-identified problems, shortcomings and disadvantages with the prior art, as well as other problems, shortcoming and disadvantages, are solved by the present invention, which will be understood by reading and studying the specification and the drawings. In one embodiment, an asynchronous programming environment comprises a dynamic object storage scheme, a dynamic dispatch scheme, and an object recognition scheme. The dynamic object storage scheme stores a plurality of objects. The dynamic dispatch scheme is based on events from at least one of the plurality of objects. Finally, the object recognition scheme describes the plurality of objects.

Embodiments of the invention provide for advantages not found in the prior art. For example, in one particular embodiment, the plurality of objects as stored via the dynamic object storage scheme are accessible utilizing a recyclable locking mechanism; the plurality of objects as described via the object recognition scheme each include a series of tokens, where each token relates to an attribute of the object; and, the dynamic dispatch scheme provides for execution of objects based on unpacked-into-messages events.

First, asynchronous programming environment provides for development of thread-agnostic programs. Such programs provide symmetric multithreading, thereby easily scaling to utilize the most of available CPU processing power. In particular, this symmetric multithreading is expected to reduce instruction cache misses on hardware implementations handling multiple instruction streams at once.

Secondly an asynchronous programming environment is more efficient than message driven one: since execution is driven via presence of objects, so that no translation is needed to recover context of execution. Furthermore, the recyclable locking mechanism and the token-based object recognition scheme provide for the locking of objects in an efficient manner and a flat, efficient manner by which to describe (and thus recognize) objects, respectively. With these attributes of the asynchronous programming environment, programs may be developed in a more efficient and more bug-free manner.

The invention includes systems, methods, computers, and computer-readable media of varying scope. Besides the embodiments, advantages and aspects of the invention described here, the invention also includes other embodiments, advantages and aspects, as will become apparent by reading and studying the drawings and the following description.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 shows a diagram of the hardware and operating environment in conjunction with which embodiments of the invention may be practiced;

FIG. 2 shows a diagram of a system according to an embodiment of the invention; and,

FIG. 3 shows a flowchart illustrating a method according to one embodiment of the invention.

DETAILED DESCRIPTION

In the following detailed description of exemplary embodiments of the invention, reference is made to the accompanying drawings which form a part hereof, and in which is shown by way of illustration specific exemplary embodiments in which the invention may be practiced. These embodiments are described in sufficient detail to enable those skilled in the art to practice the invention, and it is to be understood that other embodiments may be utilized and that logical, mechanical, electrical and other changes may be made without departing from the spirit or scope of the present invention. The following detailed description is, therefore, not to be taken in a limiting sense, and the scope of the present invention is defined only by the appended claims.

The detailed description is divided into four sections. In

the first section, the hardware and the operating environment in conjunction with which embodiments of the invention may be

practiced are described. In the second section, a system of one embodiment of the invention is presented. In the third section, a method, in accordance with an embodiment of the invention, is provided. Finally, in the fourth section, a conclusion of the detailed description is provided.

Hardware and Operating Environment

Referring to FIG. 1, a diagram of the hardware and operating environment in conjunction with which embodiments of the invention may be practiced is shown. The description of FIG. 1 is intended to provide a brief, general description of suitable computer hardware and a suitable computing environment in conjunction with which the invention may be implemented. Although not required, the invention is described in the general context of computer-executable instructions, such as program modules, being executed by a computer, such as a personal computer. Generally, program modules include routines, programs, objects, components, data structures, etc., that perform particular tasks or implement particular abstract data types.

Moreover, those skilled in the art will appreciate that the invention may be practiced with other computer system configurations, including hand-held devices, multiprocessor

systems, microprocessor-based or programmable consumer electronics, network PCS, minicomputers, mainframe computers, and the like. The invention may also be practiced in distributed computing environments where tasks are performed by remote processing devices that are linked through a communications network. In a distributed computing environment, program modules may be located in both local and remote memory storage devices.

The exemplary hardware and operating environment of FIG. 1 for implementing the invention includes a general purpose computing device in the form of a computer 20, including a processing unit 21, a system memory 22, and a system bus 23 that operatively couples various system components include the system memory to the processing unit 21. There may be only one or there may be more than one processing unit 21, such that the processor of computer 20 comprises a single central-processing unit (CPU), or a plurality of processing units, commonly referred to as a parallel processing environment. The computer 20 may be a conventional computer, a distributed computer, or any other type of computer; the invention is not so limited.

The system bus 23 may be any of several types of bus structures including a memory bus or memory controller, a peripheral bus, and a local bus using any of a variety of bus architectures. The system memory may also be referred to as simply the memory, and includes read only memory (ROM) 24 and

random access memory (RAM) 25. A basic input/output system (BIOS) 26, containing the basic routines that help to transfer information between elements within the computer 20, such as during start-up, is stored in ROM 24. The computer 20 further includes a hard disk drive 27 for reading from and writing to a hard disk, not shown, a magnetic disk drive 28 for reading from or writing to a removable magnetic disk 29, and an optical disk drive 30 for reading from or writing to a removable optical disk 31 such as a CD ROM or other optical media.

The hard disk drive 27, magnetic disk drive 28, and optical disk drive 30 are connected to the system bus 23 by a hard disk drive interface 32, a magnetic disk drive interface 33, and an optical disk drive interface 34, respectively. The drives and their associated computer-readable media provide nonvolatile storage of computer-readable instructions, data structures, program modules and other data for the computer 20. It should be appreciated by those skilled in the art that any type of computer-readable media which can store data that is accessible by a computer, such as magnetic cassettes, flash memory cards, digital video disks, Bernoulli cartridges, random access memories (RAMs), read only memories (ROMs), and the like, may be used in the exemplary operating environment.

A number of program modules may be stored on the hard disk, magnetic disk 29, optical disk 31, ROM 24, or RAM 25, including an operating system 35, one or more application programs 36, other program modules 37, and program data 38. A user may enter commands and information into the personal computer 20 through input devices such as a keyboard 40 and pointing device 42. Other input devices (not shown) may include a microphone, joystick, game pad, satellite dish, scanner, or the like. These and other input devices are often connected to the processing unit 21 through a serial port interface 46 that is coupled to the system bus, but may be connected by other interfaces, such as a parallel port, game port, or a universal serial bus (USB). A monitor 47 or other type of display device is also connected to the system bus 23 via an interface, such as a video adapter 48. In addition to the monitor, computers typically include other peripheral output devices (not shown), such as speakers and printers.

The computer 20 may operate in a networked environment using logical connections to one or more remote computers, such as remote computer 49. These logical connections are achieved by a communication device coupled to or a part of the computer 20; the invention is not limited to a particular type of communications device. The remote computer 49 may be another computer, a server, a router, a network PC, a client, a peer device or other

common network node, and typically includes many or all of the elements described above relative to the computer 20, although only a memory storage device 50 has been illustrated in FIG. 1. The logical connections depicted in FIG. 1 include a local-area network (LAN) 51 and a wide-area network (WAN) 52. Such networking environments are commonplace in office networks, enterprise-wide computer networks, intranets and the Internet, which are all types of networks.

When used in a LAN-networking environment, the computer 20 is connected to the local network 51 through a network interface or adapter 53, which is one type of communications device. When used in a WAN-networking environment, the computer 20 typically includes a modem 54, a type of communications device, or any other type of communications device for establishing communications over the wide area network 52, such as the Internet. The modem 54, which may be internal or external, is connected to the system bus 23 via the serial port interface 46.

In a networked environment, program modules depicted relative to the personal computer 20, or portions thereof, may be stored in the remote memory storage device. It is appreciated that the network connections shown are exemplary and other means of and communications devices for establishing a communications link between the computers may be used.

The hardware and operating environment in conjunction with

which embodiments of the invention may be practiced has been described. The computer in conjunction with which embodiments of the invention may be practiced may be a conventional computer, a distributed computer, or any other type of computer; the invention is not so limited. Such a computer typically includes one or more processing units as its processor, and a computer-readable medium such as a memory. The computer may also include a communications device such as a network adapter or a modem, so that it is able to communicatively couple other computers.

System

In this section of the detailed description, a description of a computerized system according to an embodiment of the invention is provided. The description is provided by reference to FIG. 2. Referring first to FIG. 2, a diagram of a system according to an embodiment of the invention is shown. The system of FIG. 2 includes a plurality of objects 200, a dynamic object storage scheme 202, a recyclable locking mechanism 204, a plurality of lock objects 206, a dynamic dispatch scheme 208, an object recognition scheme 212, and a plurality of tokens 214.

Each of the objects 200 represents a (not necessarily contiguous) memory segment storing data or instructions, as known within the art. The invention is not limited to a particular number of type of objects 200. Representative types of objects

that can be used with different embodiments of the invention include Java objects, C++ objects, and Component Object Model (COM) objects, all of which are also known within the art.

The dynamic object storage scheme 200 stores the plurality of objects 200 so that they may be accessed as necessary by different threads within the asynchronous programming environment. The object storage scheme is dynamic in that objects may be created and removed as necessary during the execution of tasks within the asynchronous programming environment. Such schemes are known within the art. In one embodiment, the plurality of objects 200 can be locked in accordance with a recyclable locking mechanism 204, as is described in the copending and coassigned application entitled ARecyclable Locking for Multi-Threaded Computing Environments [docket no. 777.154US1], which has already been incorporated by reference. The mechanism uses the plurality of lock objects 206 to accomplish the locking of the objects 200 for exclusive or non-exclusive access by threads, as that term is known within the art.

The dynamic dispatch scheme 208 is based on plurality of objects 200. An action that may be invoked by a dynamic dispatch scheme 208 may fall into (at different times perhaps different) 3 categories - needing precisely one object, needing more than one object, or not needing an object at all. Those needing precisely

one object may be understood as message handlers (or Microsoft Windows TM Windows Procedures), and dynamic dispatch schemes using only such actions have been commercially introduced (e.g. Microsoft Windows). Actions that do not need any objects for their execution can be executed at any time, and are generally used to create objects in the plurality of objects 200. Typical examples include, but are not limited to default constructors for Java and C++ objects, real-time routines, like Internet packet processing, or input from vision or sound devices. Finally, actions that require multiple objects for their dispatch generally combine objects and perform tasks as designed by the programmer. An example is the current implementation of COM runtime services, in which MTS provides object pooling. In this case an action constitutes returning interface pointer when 2 objects are present - an object in object pool of MTS, and a request of a client for such an object. Actions that require multiple objects necessitate the presence of an object locking scheme as a service provided by the programming environment whenever multiple threads of execution are involved. This is because demanding exclusive access to multiple objects may result in a deadlock of threads. Shifting locking mechanism inside the dispatching scheme allows prevention of deadlocks.

Finally, the object recognition scheme 212 provides for the

description of the plurality of objects. The description of objects is necessary so that functions such as application programming interfaces (API=s) are able to determine whether a given object fits a given API. Such descriptions may include, for example, a hierarchical tree structure of object types, as known within the art, which require traversal to determine the description of a given object. However, in one embodiment, the scheme 212 utilizes a plurality of tokens 214, such that each object within the plurality of objects 200 is describable with a sequence of tokens, where each token relates to an attribute of the object, such as object type. Such token-based description is pursuant to description provided in the copending and coassigned application entitled AToken-Based Object Description≡ [docket no. 777.155US1], which has already been incorporated by reference.

Embodiments of the invention thus provide a unique asynchronous programming environment having a dynamic object storage scheme, a dynamic dispatch scheme, and an object recognition scheme. In one embodiment, the environment is provided such that the storage scheme and the recognition scheme are pursuant to patent applications previously incorporated by reference. In another embodiment, the environment is pursuant to the reference Ondrej Such, AApplications of Stochastic Asynchronous Programming Technique to Procedure Testing,≡ May

1998, which is hereby incorporated by reference.

Method

In this section of the detailed description, a method according to an embodiment of the invention is presented. This description is provided in reference to FIG. 3. The computerized method is desirably realized at least in part as one or more programs running on a computer -- that is, as a program executed from a computer-readable medium such as a memory by a processor of a computer. The programs are desirably storable on a computer-readable medium such as a floppy disk or a CD-ROM, for distribution and installation and execution on another (suitably equipped) computer.

Thus, in one embodiment, a computer program is executed by a processor of a computer from a medium therefrom to provide an asynchronous programming environment having a dynamic object storage scheme, a dynamic dispatch scheme, and an object recognition scheme. The dynamic object storage scheme stores a plurality of object. The dynamic dispatch scheme is based on events from at least one of the plurality of objects. The object recognition scheme describes the plurality of objects.

Referring now to FIG. 3, a flowchart of a method according to one embodiment of the invention is shown. In 300, a plurality of objects is stored via a dynamic object storage scheme, for

example, as has been described in the previous section of the detailed description. In one embodiment, such storage is accomplished such that the objects are accessed utilizing a recyclable locking mechanism as described in the copending and coassigned application entitled ARecyclable Locking for Multi-Threaded Computing Environments [docket no. 777.154US1], which has previously been incorporated by reference.

In 302, at least one of the plurality of objects are dispatched (that is, execution thereof is initiated), based on events from at least one of the plurality of objects, for example, as has been described in the previous section of the detailed description. In one embodiment, such dispatch is accomplished by executing one or more objects based on unpacked-into-messages events, as opposed to events that are packed into messages. This provides for a less fragile asynchronous programming environment.

In 304, finally, each of the plurality of objects is described utilizing an object recognition scheme, as has been described in the previous section of the detailed description. Such description provides for the testing of the objects against functions such as application programming interfaces (API=s), so that it can be determined efficiently whether a given object can be executed against a given API. In one embodiment, the object recognition scheme includes describing each of the objects as a

series of tokens, where each token relates to an attribute of the object (for example, the type of the object), pursuant to the copending and coassigned application entitled AToken-Based Object Description≡ [docket no. 777.155US1], which has already been incorporated herein by reference.

Conclusion

An asynchronous programming environment has been described. Although specific embodiments have been illustrated and described herein, it will be appreciated by those of ordinary skill in the art that any arrangement which is calculated to achieve the same purpose may be substituted for the specific embodiments shown. This application is intended to cover any adaptations or variations of the present invention. Therefore, it is manifestly intended that this invention be limited only by the following claims and equivalents thereof.

We claim:

1. An asynchronous programming environment comprising:
a dynamic object storage scheme for storing a plurality of objects;
a dynamic dispatch scheme based on the plurality of objects;
and,
an object recognition scheme to describe the plurality of objects.
2. The environment of claim 1, wherein the plurality of objects as stored via the dynamic object storage scheme are accessible utilizing a recyclable locking mechanism.
3. The environment of claim 1, wherein the plurality of objects as described via the object recognition scheme each comprise a series of tokens, each token relating to an attribute of the object.
4. The environment of claim 1, wherein the dynamic dispatch scheme provides for execution of objects based on unpacked-into-messages events.
5. A method comprising:

storing a plurality of objects via a dynamic object storage scheme;

dispatching at least one of the plurality of objects via a dynamic dispatch scheme based on events from at least one of the plurality of objects; and,

describing each of the plurality of objects utilizing an object recognition scheme.

6. The method of claim 5, wherein storing a plurality of objects via a dynamic object storage scheme comprises accessing one of the plurality of objects utilizing a recyclable locking mechanism.

7. The method of claim 5, wherein describing each of the plurality of objects utilizing an object recognition scheme comprises describing each of the plurality of objects as a series of tokens, each token relating to an attribute of the object.

8. The method of claim 5, wherein dispatching at least one of the plurality of objects via a dynamic dispatch scheme comprises executing at least one of the plurality of objects based on unpacked-into-messages events.

9. A computer comprising:

a processor;
a computer-readable medium; and,
an asynchronous programming environment executed by the
processor from the medium, the environment comprising:
a dynamic object storage scheme for storing a plurality
of objects;
a dynamic dispatch scheme based on events from at least
one of the plurality of objects; and,
an object recognition scheme to describe the plurality
of objects.

10. The computer of claim 9, wherein the plurality of
objects as stored via the dynamic object storage scheme are
accessible utilizing a recyclable locking mechanism.

11. The computer of claim 9, wherein the plurality of
objects as described via the object recognition scheme each
comprise a series of tokens, each token relating to an attribute
of the object.

12. The computer of claim 9, wherein the dynamic dispatch
scheme provides for execution of objects based on unpacked-into-
messages events.

13. The computer of claim 9, wherein the medium comprises a memory.

14. A computer-readable medium having a computer program stored thereon for execution on a computer, the computer program providing an asynchronous programming environment comprising:

a dynamic object storage scheme for storing a plurality of objects;

a dynamic dispatch scheme based on events from at least one of the plurality of objects; and,

an object recognition scheme to describe the plurality of objects.

15. The medium of claim 14, wherein the plurality of objects as stored via the dynamic object storage scheme are accessible utilizing a recyclable locking mechanism.

16. The medium of claim 14, wherein the plurality of objects as described via the object recognition scheme each comprise a series of tokens, each token relating to an attribute of the object.

17. The medium of claim 14, wherein the dynamic dispatch scheme provides for execution of objects based on unpacked-into-

messages events.

18. The medium of claim 14, wherein the medium comprises a compact disc read only memory (CD-ROM).

19. The medium of claim 14, wherein the medium comprises a floppy disk.

ABSTRACT OF THE DISCLOSURE

An asynchronous programming environment is disclosed. In one embodiment, the environment comprises a dynamic object storage scheme, a dynamic dispatch scheme, and an object recognition scheme. The dynamic object storage scheme stores a plurality of objects. The dynamic dispatch scheme is presence one of a certain number objects. The object recognition scheme describes the plurality of objects.

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Printed Name: Chris Hammond

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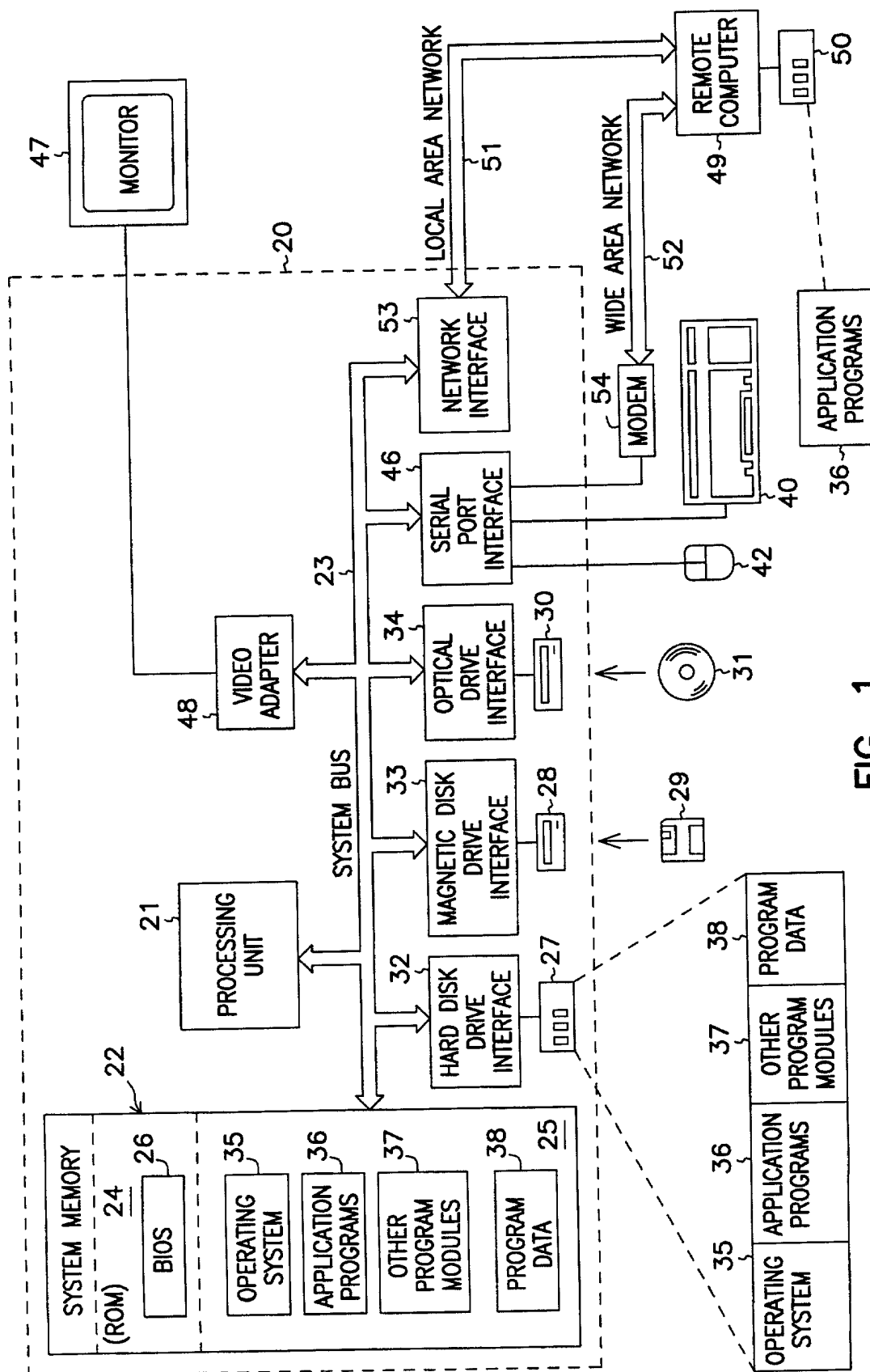


FIG. 1

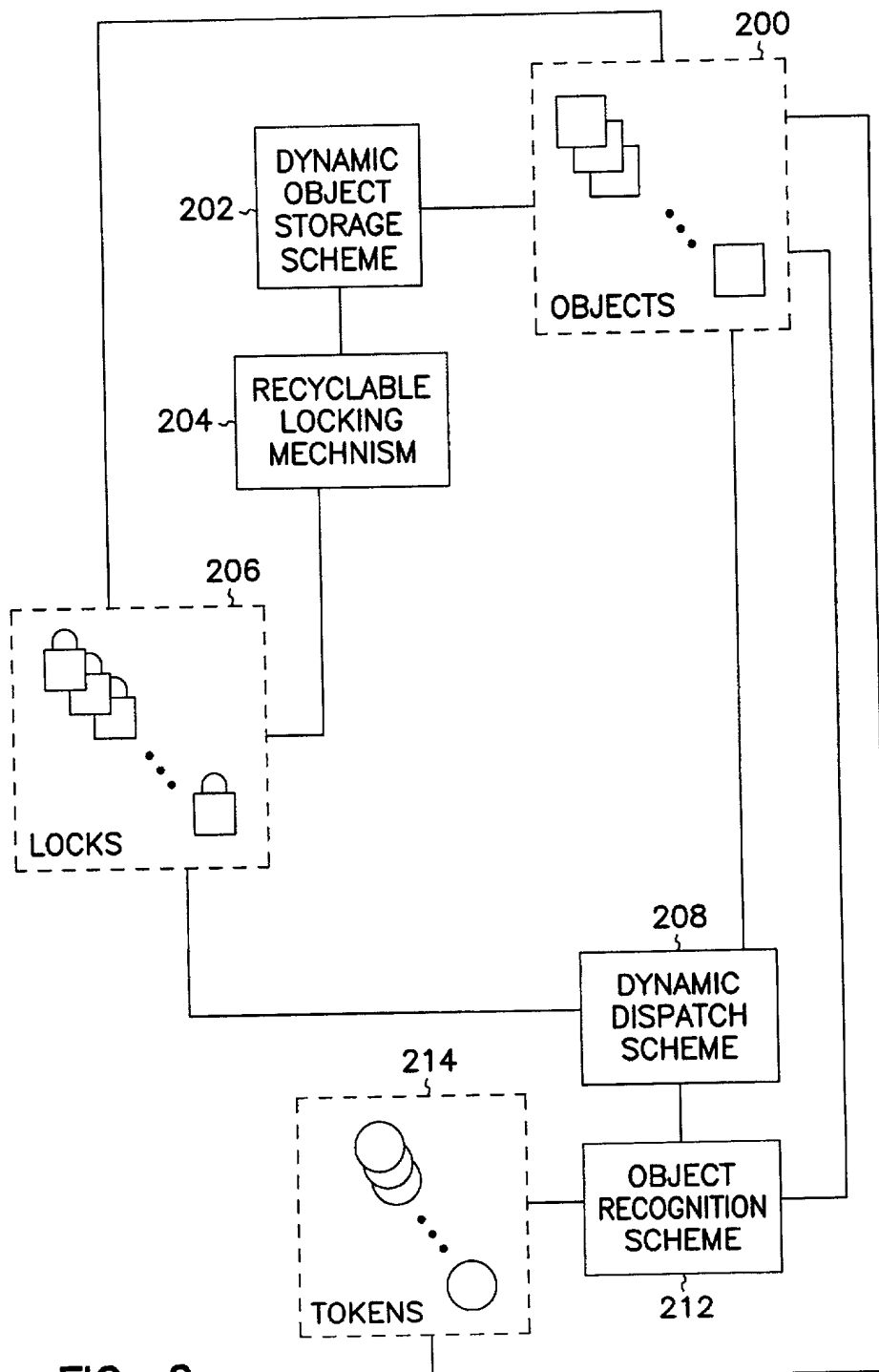


FIG. 2

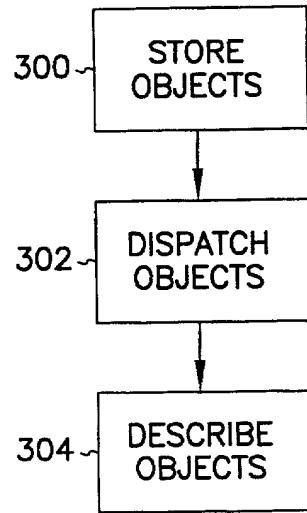


FIG. 3

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: ASYNCHRONOUS PROGRAMMING ENVIRONMENT.

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

No such applications have been filed.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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Brooks, Edward J., III	Reg. No. 40,925	Klima-Silberg, Catherine I.	Reg. No. 40,052	Sieffert, Kent J.	Reg. No. 41,312
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Slifer, Russell D.	Reg. No. 39,838
Crouse, Daniel D.	Reg. No. 32,022	Lacy, Rodney L.	Reg. No. 41,136	Terry, Kathleen R.	Reg. No. 31,884
Drake, Eduardo E.	Reg. No. 40,594	Leffert, Thomas W.	Reg. No. 40,697	Viksins, Ann S.	Reg. No. 37,748
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198	Woessner, Warren D.	Reg. No. 30,440
Embretson, Janet E.	Reg. No. 39,665	Litman, Mark A.	Reg. No. 26,390		

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Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole inventor : SLOVAK Ondrej Such
Citizenship: Czech Republic
Post Office Address: 1910 154th Avenue NE
Apt. A205
Bellevue, WA 98007

Residence: Bellevue, WA

Signature: _____

Ondrej Such

Date: _____

12/16/98

Full Name of inventor:
Citizenship:
Post Office Address:

Residence:

Signature: _____

Date: _____

Full Name of inventor:
Citizenship:
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§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.